UNITED NATIONS CONVENTION
ON THE LAW OF THE SEA

SPLOS

MEETING OF
STATES PARTIES

Distr.
LIMITED

SPLOS/L.3/Rev.1
31 July 1996

ORIGINAL: ENGLISH

Fifth Meeting
New York, 24 July-2 August 1996

FIRST ELECTION OF THE MEMBERS OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

Proposal by the President

1. The present proposal is made to reconcile the need for some certainty in geographical representation in the composition of the International Tribunal for the Law of the Sea on the one hand and the need to provide all candidates an equal opportunity to contest the election on the other.

2. (a) Provided that no regional group will have less than three seats, the members of the Tribunal will be elected as follows:

(i) Five judges shall be elected from the African Group;

(ii) Five judges shall be elected from the Asian Group;

(iii) Four judges shall be elected from the Latin American and Caribbean Group;

(iv) Four judges shall be elected from the Western European and Other States Group; and

(v) Three judges shall be elected from the Eastern European Group;

(b) In case there is a candidate who does not belong to any regional group, that candidate shall be grouped with any of the regional groups mentioned above according to the principles contained in the Convention. For the purpose of this election the candidate who is a national of a State which does not belong to any regional group if elected, shall be within the allocation in subparagraph (iv) above.

3. The election will be held on the basis of a single list of candidates listed in English alphabetical order.

4. All States Parties will have only 21 votes to cast in the first ballot. In subsequent ballots the number of votes to be cast by each State Party will depend upon the number of vacancies remaining. Ballot papers that contain more than the number of vacant seats would be invalid.

5. As candidates meet the required majority for election, they would be counted according to regional allocation as provided in paragraph 2.

6. Subject to paragraph 9 below, the persons elected to the Tribunal shall be those candidates who obtain the largest number of votes and a two-thirds majority of the States Parties present and voting, provided that such majority includes a majority of the States Parties.

7. In the event that not all 21 judges are elected in the first ballot, subsequent balloting would be unrestricted. Each elector may vote for 21 candidates in the first ballot, and in any subsequent ballots, for 21 minus the number of candidates who have already been elected.

8. In the event of a tie vote for a remaining seat, there will be a restricted ballot limited to those candidates who have obtained an equal number of votes.

9. In case the number of candidates eligible under paragraph 2 (a) (i), (ii), (iii), (iv) or (v), obtaining the required majority for election exceeds the number of seats so allocated thereunder, the candidates obtaining the largest number of votes to fill the number of seats so allocated shall be elected while the others will be considered not elected.

10. In the interest of a timely conclusion of the election, if after four ballots not all 21 judges are elected, balloting shall be suspended to give an opportunity to candidates or the nominating States to consider whether they wish to maintain their candidatures. Before such suspension the President will announce when balloting will resume.

11. The Secretary-General, in drawing lots to determine the terms of the judges following their election, will be guided by the following procedure:

He shall draw lots by region as follows:

<u>First, for the first three-year term</u>:

Two names each from the African Group and the Asian Group.

One name each from the Eastern European Group, the Latin American and Caribbean Group, and the Western European and Other States Group.

<u>Next, for the first six-year term</u>:

One name each from the African Group, the Asian Group, and the Eastern European Group.

Two names each from the Latin American and Caribbean Group and the Western European and Other States Group.

12. The above arrangements would be applicable to the first election and will not prejudice the arrangements for any other election.